



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, MARCH 26, 2019
7:00 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ROLL CALL

Mayor Emerson called the meeting to order at 7:00 p.m. Councilmembers Doug Biehn, Dan Jones, Kevin Edberg, Steven Engstran and Bill Walsh were present. Staff members present were City Manager Ellen Hiniker, Assistant City Manager Rick Juba, Finance Director Kerri Kindsvater, City Engineer Paul Kauppi, City Clerk Kara Coustry and City Attorney Troy Gilchrist.

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

A. Minutes of the Regular City Council Meeting on March 12, 2019

It was moved by Councilmember **Edberg** seconded by Councilmember **Jones**, to approve the Minutes of the Regular City Council Meeting on March 12, 2019.

Motion carried. Councilmember Biehn abstained.

3. APPROVAL OF THE AGENDA

Mayor Emerson moved 10G, resolution denying massage therapist and massage therapist licenses to 9D.

It was moved by Councilmember **Edberg** seconded by Councilmember **Biehn**, to approve the agenda as presented.

Motion carried unanimously.

4. VISITORS AND PRESENTATIONS

A. Manitou Days Presentation

Dale Grambush reported that this year's theme for Manitou Days is "Bears that Shine". The event runs June 13 – July 4, for a total of 22 days and each day someone will be picked as a "bear that shines." Mr. Grambush described some of the events being planned and referenced the website, manitoudays.com. He mentioned Marketfest continues through July 25 and noted Dick Galena's efforts working with the Fireworks Committee to coordinate Fireworks, live music and a fly-over, which concludes the community festival. Mr. Grambush reported there are opportunities for sponsorships of Manitou Days and individuals can also donate to the fireworks fund.

Mr. Grambush stated they hope to have 60 Manitou Days events, some of which require assistance from city staff, Public Works and Public Safety. He asked Council to

adopt the resolution allowing Manitou Days use of city parks, public space and services to support Manitou Days 2019.

B. Boy Scout Eagle Project

Fire Chief Peterson stated that each year sudden cardiac arrests affects 356,000 people with a national survival rate of about 11%. Of those who go unconscious, only one-third receive CPR. In seeking to resolve this, Ramsey County, the Communications Center and Fire Chiefs implemented PulsePoint, a software program that notifies those who opt in of a cardiac arrest within .25 miles.

Chief Peterson introduced Zach Van Dyke from Boy Scout Troop 494. Zach documented all GPS coordinates, descriptions and added some pictures to assist in locating all public automated external defibrillators (AEDs) in White Bear Lake. Zach located and entered 96 AEDs into the system, making White Bear Lake the most documented municipality in Ramsey County.

Chief Peterson expressed appreciation and recognized Zach for the important work that he did and presented him with a Life Saving Award. Councilmember Edberg thanked Mr. Van Dyke and asked what was most impactful for him during this project. Zach stated he was most impacted by the number of volunteers who were willing to assist him in trying to make this world safer for everyone in the community.

Mayor Emerson thanked Zach for his work and for making a difference in this community. Mayor Emerson also extended thanks to the Fire Department.

C. Arbor Day Proclamation

Mayor Emerson read the annual Arbor Day Proclamation and encouraged all residents to participate in Arbor Day activities. City Engineer Kauppi stated that Arbor Day activities occur on Saturday May 4, with focus on mulching and tree trimming rather than new tree plantings. Mr. Kauppi reported that the Boy Scouts and Lions will be working at Lakewood Hills Park and the Rotarians will be working at Rotary Park.

5. PUBLIC HEARINGS

Nothing scheduled

6. LAND USE

Nothing scheduled

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

Nothing listed

9. NEW BUSINESS

- A. Resolution ordering project, approving specifications and authorizing advertisement for bids for the 2019 Bituminous Seal Coating Project, City Project No. 19-02

City Engineer Kauppi explained that seal coating is completed 5-7 years after street reconstruction. The sun, traffic and weather begin deteriorating the top road layer. Seal coating add oil and rock to the top of the pavement, which prolongs pavement life. He stated that seal coating will take place on White Bear Parkway and Birch Lake Blvd, north of Hwy 96 and two areas south of town in a neighborhood off McKnight and County Road E, as well as near Buerkle Road and White Bear Avenue.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Engstran**, to adopt **Resolution No. 12365** ordering project, approving specifications and authorizing advertisement for bids for the 2019 Bituminous Seal Coating Project, City Project No. 19-02

- B. Resolution ordering project, approving specifications and authorizing advertisement for bids for the 2019 Crack Sealing Project, City Project No. 19-03

City Engineer Kauppi explained that crack sealing is done 2-5 years after street reconstruction to prevent water entering the pavement and creating potholes.

Councilmember Edberg referenced staff's memo identifying areas in need of treatment and asked if nominations were being accepted. Mr. Kauppi stated to let staff know if an area seems in need of this treatment so it can be reviewed in relation to the overall street maintenance program.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Engstran**, to adopt **Resolution No. 12366** ordering project, approving specifications and authorizing advertisement for bids for the 2019 Crack Sealing Project, City Project No. 19-03

- C. Resolution authorizing the City Manager to contract with Polco for on-line community engagement technology

City Manager Hiniker prefaced her report by offering Council the option of learning more about Polco at an upcoming work session. She noted recent discussion at a strategic planning session regarding the use of technology to enhance communications and opportunities for community engagement. Ms. Hiniker relayed staff research of various communication tools and introduced Polco as an on-line engagement tool used by many other metro area communities for engagement and feedback.

Ms. Hiniker reported that Polco is reasonably priced compared to other survey tools. She stated that participation in Polco surveys requires residents to opt-in by signing up to receive notifications via email, text or a phone application. Results would not reflect a randomly selected sampling of the community, but would broaden the opportunity for public engagement and provide informative feedback.

Councilmember Jones mentioned the issues of late and believed the use of another communication tool would be useful for getting more information out into the community. He supported staff's recommendation for Polco.

Councilmember Edberg distinguished between citizen engagement and opportunities for input/feedback from surveys. He cautioned this tool was not designed with controls like a survey, but was supportive of providing a platform to allow people to interact, unfiltered with the City. Councilmember Edberg stated the cost is reasonable and supported City's participation for a three-year term.

In response to Councilmember Walsh, Ms. Hiniker confirmed there is opportunity for residents to provide open-ended responses to questions.

Councilmember Biehn asked if the app verified residency of responders. Ms. Hiniker explained that users are cross-checked through SVRS, the voter database, for general location information of the responder.

It was moved by Councilmember **Jones**, seconded by Councilmember **Engstran**, to adopt **Resolution No. 12367** authorizing the City Manager to contract with Polco for on-line community engagement technology

D. Resolution denying massage therapist and massage therapist licenses.

Ms. Hiniker reported that findings from a background check revealed that both applicants failed to list two businesses in Blaine for which they were licensed. Based on material omissions, staff was recommending denial of both applicants' licenses. She also noted that all current and past employers of both applicants were advertising erotic services on adult websites.

City Attorney Gilchrist reminded Council the new massage ordinance does not take effect until April 6. Under the current ordinance, Council makes determinations for both the business and practitioners licenses.

Mandarin interpreter Yu Jiang spoke on behalf of the applicants, Yulan Zhao and Zou Lijuan. She explained that both applicants did not fully understand the application and as a result they applied their own assumptions to the question about past employment. Interpreter Jiang stated that the applicants only put down the places they currently worked and not those that, while licensed to practice, they do not currently work at.

Councilmember Walsh appreciated the applicants appeared in person to offer an explanation. He stated that with these licenses, he is of a mind to be cut and dry and supports staff's recommendation to deny the licenses. He stated it is okay with him that White Bear Lake have a reputation that getting a business license is difficult if everything is not in order.

Councilmember Edberg appreciated that perspective, but mentioned the applicants did not have a criminal history - there have been no charges and no convictions of these applicants. Councilmember Edberg pointed out that there is only an affiliation and not a direct tie between adult advertisements and these applicants. He explained that the applicants' presence to speak on behalf of their applications provides credibility.

Ms. Hiniker restated the basis for license denial is omissions on both applications. Ms. Hiniker explained that at the time of application there was considerable conversation between the clerk and the interpreter, the daughter of applicant Zou, about what was being asked of this particular question. There were markings on the application noting what was to be included and both applicants omitted the same two establishments.

City Attorney Gilchrist added that when these applicants signed the application forms, they acknowledged that they understood and agreed that failure to fully disclose information on the application may be a basis for license denial. He stated that the Council could decide not to follow staff's recommendation.

Councilmember Edberg inquired whether employment at firms using adult ads automatically constitutes guilt. He stated there is no obstruction of a particular action because the underlying act was not a crime.

Councilmember Jones asked if there were no omissions of employment in this case, would that change staff's recommendation. Ms. Hiniker replied, there have been applications with these affiliations, but staff did not recommend denial in those cases. Ms. Hiniker clarified, that if there was only an association, it would not be a basis to recommend denial.

Councilmember Biehn stated this is a difficult decision because it affects someone's livelihood, but Council must balance that with staff's recommendation and the investigation. He asked how long before an application can be resubmitted. Staff relayed the new massage ordinance has a provision to wait one year before re-applying, but added that the former ordinance under which these applications are being considered does not address timing for reapplication.

Ms. Hiniker explained there have been instances where massage licenses were revoked in the past. As a result, Council's direction to staff was to remain diligent during the application process. Ms. Hiniker stated that as a result, staff continues to be thorough with review of massage applications.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Jones**, to adopt **Resolution No. 12374** to deny massage therapist and massage therapist licenses.

Councilmember Biehn clarified this application was made under the original ordinance. That being the case, he asked, would that prohibit a new application sooner than one year. Staff confirmed it would not prohibit a new application from being submitted. Councilmember Biehn did not feel comfortable approving the license and supported the denial at this time, but would consider another application in the future.

Motion carried. Councilmember Edberg nay.

10. CONSENT

- A. Resolution authorizing financial participation in Manitou Days. **Resolution No. 12368**
- B. Resolution of support for Accessible Space, Inc.'s 2019 CDBG application to Ramsey County. **Resolution No. 12369**
- C. Resolution approving massage therapy establishment and massage therapy licenses. **Resolution No. 12370**
- D. Resolution ordering the Annual Public Meeting and Annual Report on the City's Storm Water Pollution Prevention Program (SWPPP). **Resolution No. 12371**

- E. Resolution Approving Consent and Assessment Agreement. **Resolution No. 12372**
- F. Resolution approving Cinco de Mayo celebration at El Pariente Mexican Grill. **Resolution No. 12373**

It was moved by Councilmember **Biehn**, seconded by Councilmember **Jones**, to adopt the consent agenda as presented.

Motion carried unanimously.

11. DISCUSSION

A. Refuse and Recycling Hauling Contract

City Manager Hiniker highlighted proposed rates in support of renewing a 7-year refuse hauler contract with Republic Services. While proposed rates reflect a 7.5% increase in residential rates in 2020, staff research revealed the rates are very competitive. She reported that Republic Services has provided excellent service and has been very responsive to issues. Ms. Hiniker relayed confidence in Republic’s ability to sustain its service levels, as it is a financially sound national hauler.

	2019 Residential no change	Proposed 2020 7.5% increase	Proposed 2021 3% increase
Senior	10.55	11.34	11.68
30	10.80	11.61	11.96
60	15.90	17.09	17.61
90	21.65	23.27	23.97

Ms. Hiniker described two proposals for the breakdown of increases over the 7-year contract as follows. While proposal A is a larger initial increase, staff is leaning toward this rate structure, which results in a lower end rate and 2% increases year after year are more manageable in the event of future economic decline.

	Proposal A		Proposal B	
2020	10.62	10%	10.00	5%
2021	11.04	4%	10.45	4.5%
2022	11.27	2%	10.92	4.5%
2023	11.49	2%	11.46	4.5%
2024	11.72	2%	11.97	4.5%
2025	11.96	2%	12.51	4.5%
2026	12.19	2%	13.07	4.5%

Ms. Hiniker stated that after verification of Republic’s pro-forma to ensure the numbers match, staff would recommend proceeding with a contract.

Councilmember Walsh supported the direction of staff, although philosophically he pointed out that staff was negotiating rates for private citizens and they should have the option to negotiate their own services.

Councilmember Edberg stated he supported continued negotiations over other alternatives. He liked the idea of structuring rates in order to reduce taxation by breaking out recycling, while noting uncertainty in the future of recycling.

Councilmember Edberg believed that \$2.50/week to pick-up trash and recycling is a

good rate.

Councilmember Jones echoed Councilmember Edberg comments and added that Republic Services has provided good service to the residence, which is important to retain.

Regarding recycling, Ms. Hiniker clarified the City contracts with Eureka for the processing of recyclables. Ms. Hiniker mentioned the City shares in the revenues from the sale of recyclables; however, for the past year since the decline of the recycling market, the City has had to pay Eureka approximately \$1,500/month. She mentioned that refuse rates reflect the cost of recycling, which may be adjusted as needed.

12. COMMUNICATIONS FROM THE CITY MANAGER

- Reminder of upcoming work sessions: April 30 - Capital Improvement Plan; May 21 - Long Range Financial Planning.
- Wednesday, July 31 is being proposed for a joint meeting of elected officials representing the School District and all cities/township within the school district. This would be the first of an annual effort.
- The student intern from Germany will arrive on April 4th to work at the City for the summer. This is made possible through participation in the Climate Smart Municipalities program, which is grant funded by the Federal Republic of Germany.
- Long lines for the License Bureau are expected to continue under MNLARS because data entry is now completed on the front lines. Using the municipal building budget, Ms. Hiniker intended to bring someone in to assess the space and recommend restructuring to better accommodate lengthier transactions resulting in long lines.

Councilmember Walsh mentioned the Senate passed a bill to reimburse deputy registrars and asked if the City was in line to receive funds. Ms. Hiniker stated that the appropriation was not clear, but the City expects to receive something.

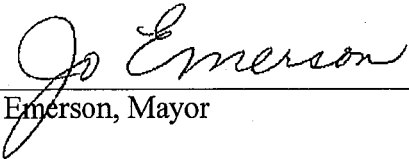
Councilmember Edberg stated he had two interactions in the license bureau last week and relayed his appreciation for the way staff handled his transactions, their use of two lines and their ability to remain polite and reasonable. He believed staff was doing as well as possible under conditions that are not optimal.

- City Engineer Kauppi mentioned that the City has an opportunity to nominate a basketball court for renovation, however, doing so would require the City to agree to incorporate three logos on the court: Timberwolves, Fast Break Foundation, US Bank. Staff would nominate the basketball court at Spruce Park if Council was agreeable to these logos, in the event the court was selected through the process.

Council was agreeable to allowing the logos if Spruce is chosen for renovation.

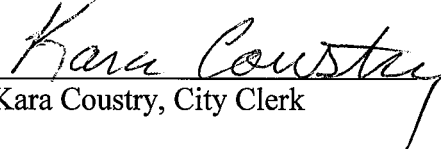
13. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Walsh** seconded by Councilmember **Biehn** to adjourn the regular meeting at 8:45 p.m.



Jo Emerson, Mayor

ATTEST:



Kara Coustry, City Clerk